Science Advisory Committee Meeting at CUE

Rare, Threatened, and Endangered Resources Workgroup

Notes from 3/17/03

Participants: Kent Schwarzkopf (NPS – APPA), Doug Samson (TNC – MD), Marcus Koenen (NPS – NCR), Diane Pavek (NPS – NCR), Dianne Ingram (NPS – CHOH), Brent Steury (NPS – NACE), Dan Sealy (NPS – NCR) and Christina Wright (NPS – NCR)

Purpose: To prioritize ranked species (state, federal, global) and identify specific threats to these species in such a way that allows us to meet the short- and long-term goals to sustain biodiversity within NCR.

Expected Outcomes:

1. Finalize our Draft Priority Sites
2. Review threats if possible
3. Identify potential monitoring methods (aerial surveys, field surveys, etc.)
4. Generate a scope of work for a cooperative agreement

Agenda:

10:00 Review and finalize priority species and sites

10:30 Identify potential threats to the priority sites

11:00 Identify monitoring methods

11:45 Identify needs to write a scope of work

11:55 Next Steps

12:00 Adjourn

Handouts: RTE Analysis – Last Update: 3/14/03; Site Prioritization; Sites with RTE Criteria C1-C3,

Discussion: Marcus provided an overview of the revised analysis incorporating corrections made by Doug Samson and new species added by Brent for NACE and Kent for APPA. See Handout RTE Analysis – Last Update: 3/14/03 in Appendix A for details. The analysis idenfied priority sites having more than 2 species occurrences meeting Criteria 1-3 as discussed at previous meetings. He noted that this may not be the best way to prioritize sites because Potomac Gorge, for example, may include many occurrences with G4 and G5 ranks. He noted the reason that the occurrence met the criteria was that all species were state listed T & E

species. Points were brought up that Maryland and Virginia have different criteria for listing where Maryland will list a species while Virginia may not. Sites that have few federally listed species or G1-G2 ranked species may rank much lower just because they have fewer occurrences at a site.

In order to offer up an alternative, Marcus introduced an additional analysis where he prioritized all sites listed in the Heritage Database according to the following criteria (Appendix B):

Criteria: A – Any site that lists at least one federally listed T & E Species.
Criteria: B – Any site that includes >2 G1-G3 Species.
Criteria: C – Any site that includes >2 State listed T & E Species.

Discussion revolved around the issue of whether State listed T & E species should still be considered for prioritizing sites. This topic came up during the last RTE meeting but was not resolved. Diane passed around a handout (Appendix C) that summarized her discussion with several WASO personnel. Diane noted that according to Loyal Mehrhoff, NPS treats state listed T & E species in the same manner as federally listed T & E species. Dan Sealy, however, noted that while it may be NPS policy to do so, we are still not legally bound to protect state listed T & E species in the same way that we are bound to protect federally listed T & E Species. The workgroup did not come upon a consensus on how to interpret WASO direction on dealing with state listed T & E species but did agree that G ranks should help prioritize species. G ranks are the same between states.

A brief discussion pointed to several other problems with the data. Many of the species listed at the parks by resource managers may not really be viable occurrences meeting the same criteria as the heritage data. In addition, occurrences at parks, may be at various sites that are separated by great distances. Lastly, some of the species listed at parks may be listed again under the heritage site names. There is a need to resolve these issues as much as possible.

Finally, discussion revolved around what monitoring should look like. Several ideas were brought up including that monitoring should be based on the threats identified for each priority site. Monitoring at the site may include monitoring the occurrences directly or monitoring certain parameters of the site itself such as overall habitat quality, impacts in the vicinity, spread of exotic vegetation, analysis using aerial photography, etc. One of the problems was that threats at the sites are not well known. The BCD does not contain as much information in the Site Basic Records as had been anticipated. Resource managers may be able to help identify major threats. In addition, a first field season may help identify threats to help prioritize which sites should be monitored.

Additional comments that came up during the meeting:

1. It is important to continue considering sites for restoration. Sites that have unviable population, for example, could be easily improved.

2. Species Management Abstracts on natureserve may help identify general threats to priority species.

Next Steps.

Several next steps were identified including the need to conduct peer review of our selected sites and process for selecting those sites.

1. Due to several irregularities that still exist in the data (for example there is a list of species for CHOH and there is a list for POGO), it was agreed that the data will be sent out to resource managers for review. In addition, resource managers could help identify threats to each of the sites if they are known. MK and CW will take the lead on this.

2. There was a need to identify which other species may be at the priority sites, including those that may not meet the C1-C3 criteria. Much of this information will be available in the heritage database and can be generated by additional queries. This information should also be reviewed by resource managers. MK and CW will take the lead on this.

3. Once resource managers evaluated which species listed at parks duplicate occurrences listed at sites, the entire list of priority sites and an explanation of the decision making process should be reviewed by the state heritage programs. MK and CW will take the lead on this.

4. Next Meeting. A meeting time and date was not selected. The I & M team will first conduct steps 1, 2, and maybe 3 above before an additional meeting.

Appendix A. RTE Analysis – Last Update: 3/14/03 (MK)

Species Analysis

Step 1. Reviewed heritage data for VA, MD, WV, and DC. Queried by all criteria starting with Fed listed T & E, State T & E, and occurrences with EO Ranks = A, B, or C (including CD). All other ranks were removed.

Step 2 Reviewed data provided by parks (including APPA) and added additional species meeting Criteria 1-3.

Step 3 Reviewed VDGIF Database and added species meeting criteria 1-3.

Step 4 Put all data into Access97 Database "HeritageDC" table C1-C3.

Step 5. Removed duplicates. For example, species ranked G1G2 may show up under both Criterion 2 and 3.

Step 6. Received additional data from APPA and NACE that was added to the "C1-C3" Table.

The resulting spreadsheet included 340 occurrences as follows:

C1Fed – 22 occurrences
C1 State (Plants) - 209 occurrences
(G2 = 6; G3 = 17; G4 = 46; and G5 = 141 Species)
C1 State (Animals) - 29
C2 – 25 occurrences
C3 – 55 occurrences

Site Summary.

At least 24 heritage sites have >2 occurrences. In addition 7 parks are known to have >2 occurrences although specific sites are not known at this time. These sites and parks are as follows:

Sites with 43 Occurrences
-POTOMAC GORGE (C1-Fed = 1; C1 State Plant = 42 [G5=29, G4=11, G3=1, G2=1])

Sites with 19 occurrences
-Piscataway/Fort Washington (C1-Fed = 1; C1 State Plant = 16 [G5=13, G4=3, G3=2])

Sites with 18 Occurrences
-CHOH (C1-Fed = 2; C1 State Animal = 3 –[G4=2, G3=1]; C2 = 5; C3 = 8)

Sites with 13 occurrences
-NACE (C1-Fed = 1; C1 State Animal = 2 [G5=2]; C1 State Plant = 1 [G4]; C3 = 5); Suitland Bog: C1 State Plant = 4 [G5=2, G4=2])

Sites with 10 occurrences
- CATO including 2 sites within park (C1-Fed = 1; C1 State Animal = 3; C1 State Plant = 2 [G5=2]; C2 = 1; C3 = 3)
- GWMP (C1-Fed = 1; C1 State Animal = 2; C2 = 1; C3 = 4); Great Falls (C3 = 2)
- HAFE (C1-Fed = 1; C1 State Plant = 3 [G4=1, G3=1, G2=1]; State Animal = 2 [G5=2]; C3 = 4)
- ROUNDTOP HILL (C1 State Plant = 4 [G5=2, G4=1, G3=1]; C1 State Animal = 2 [G3=1, G2=1]; C2 = 2; C3 = 2)

Sites with 7 occurrences
- KASECAMP SHALE BARRENS (C1 State Animal = 1; C1 State Plant = 6 [G5=6])

Sites with 6 Occurrences
- FERRY HILL LIMESTONE CLIFFS (C1 State Plant = 6 [G5=5, G4=1])
- ROCR (C1-Fed = 2; C1 State Animal = 2 [G5=2]; C2 = 1; C3 = 1)

Sites with 5 Occurrences
- OUTDOOR CLUB SHALE BARRENS (C1 State Plant = 5 [G5=4, G3=1]).
- SIDELING HILL CREEK MACROSITE (C1-State Plant = 4 [G5=1, G4=3]; C1 State Animal = 1 [G3])
- THE NECK (C1 State Plant = 5 [G5=4, G4=1])

Sites with 4 Occurrences
- Bevan Bend Shale Barren (C1 State Plants = 4 [G5=3; G4=1]
- LOCK 29 FLOODPLAIN (C1 State Plants = 4 [G5=3, G4=1])
- SNYDERS LANDING WOODS (C1 State Plants = 4 [G5=3, G4=1])
- SYCAMORE LANDING RIVERSIDE (C1 State Plant = 4 [G5=4])

Sites with 3 Occurrences
- Dam Number 4 (Cliffs and Caves) (C1 State Plants = 3 [G5=2, G3=1])
- Fort Duncan (Including Fort Duncan North) (C1 State Plants = 3 [G5 = 2, G3 = 1])
- Hunting Creek Hallow (C1 State Plants = 3 [G5=2, G2=1])
- Little Pool (C1 State Plants = 3 [G5=1, G4=2])
- Long's Hunt Club Shale Glade (C1 State Plant = 3 [G3=2, G4=1])
- NOLANDS FERRY FLOODPLAIN (C1 State Plants = 3 [G5=2, G3=1])
- OLDTOWN ROMNEY SHALE GLADE (C1 State Plants = 3 [G5=1, G4=1, G3=1])
- Potomac River – Cheery Run (C1 State Animal = 1; C3 = 2)
- POWELL BEND (C1 State Plants = 3 [G5=3])
- PRWI (C1 Fed = 2; C3 = 1)
- TURKEY RUN PARK SLOPES (C2 = 3)
- Weverton Floodplain (C1 State Plants = 2 [G5=1, G4=1]; C3=1)

Appendix B. Site Prioritization

Possible site prioritization – According to 3 possible criteria. Number in parentheses are number of species meeting the criteria.

A. Highest priority – any site with federally listed species (Note: Sites with Bald Eagles were not included because they are already being monitored).

Little Union Slopes (1)
Potomac Panorama Shoreline (1)
Prince William Forest Park (2)
ROCR (1)

B. Any site with >2 globally rare G1-G3 species

CATO (5)
CHOH (13)
GWMP (5)
HAFE (5)
Long's Hunt Club Shale Glade (3)
Reservoir Hollow (3)
Roundtop Hill (7)
NACE (5)
Piscataway/Fort Washington (3)
Potomac River – Cherry Run (3)
Turkey Run Park Slopes (3)

C. Any remaining site with >2 State T & E Species

Bevan Bend Shale Barren (4)
Dam Number 4 Cliffs (3)
Ferry Hill Limestone Cliff (6)
Hunting Creek Hollow (3)
Kasekamp Shale Hollows (7)
Little Pool (3)
Lock 29 Floodplain (4)
Noland's Ferry Floodplain (3)
Outdoor Club Shale Barrens (5)
Potomac Gorge (42)
Powell Bend (3)
Sideling Hill Creek Macrosite (5)
Snyder's Landing (4)
Suitland Bog (4)
Sycamore Landing (4)
The Neck (5)
Weverton Floodplain (3)

Appendix C. Notes on WASO interpretation of NPS obligation to state listed T & E species (from Diane Pavek).

Sorting out Legal Responsibility
T&E Working Group, 17 Mar. 2003

The following is a compilation of discussions with NPS and DOI to clarify NCR's responsibilities for threatened and endangered species.

Loyal Mehrhoff, NPS Endangered Spp. Coord., 24 Feb. 03

Loyal feels that a label (e.g., federally endangered, globally rare, state watch-list) is immaterial to the conservation of a species. A species that is in peril of extinction should be a park's priority for preservation actions, despite its global or other ranking. And, he stated that if a federally listed species is secure in a park, then the effort should shift to the state-listed species. He believes that the rarity of a species, such as the global rank by TNC, should come into consideration when setting priorities. He was willing to talk more with us about prioritization but was cautious about taking on much because he was becoming and became **Chief of BRMD** on 3 March. At that time, **Peter Dratch** became the NPS Endangered Spp. Coord. Peter is in DC 17-26 Mar., and I requested that he talk with us, and am awaiting an answer.

John Dennis, WASO USGS Liaison and Assistant to Assoc. Natural Resources Director, 11 Mar. 03

Taking NPS-77 into account, we are interested any time there is a state-federal partnership. We should consider making a species a priority when a state we are partnering with is strongly interested in that species, even if the species is globally common. It's a political question. If we are working in good faith with a state, and they have declared a species endangered or threatened, then that species can become core to a relationship between a national park and the state. It's not clear to John if jurisdiction matters. Our parks have either: (1) proprietary, (2) concurrent, or (3) exclusive jurisdiction. These may result in different treatment due to different requirements under the law.

John believes that the question of Impairment should be considered as one of the criteria for setting species priorities. Chris Shaver, Chief of Air Resources Division, heads the working group on impairment for NPS; he suggested contacting her for guidance. John felt that extirpation from a park is an impairment of a park. However, if the species is extant elsewhere and not essential to the park's mission, perhaps it could be argued that impairment had not occurred. John doesn't think so, but he recognizes that a value judgment is involved.

Chris Shaver, Chief, Air Resources, NPS Impairment Work Group Chair, 12-14 Mar. 2003

The NPS Impairment Working Group will not have a document out until middle of April 2003. She would like us to wait for that approved document, but did send along the working draft from last fall (handout is biology section; see p. 14-16). Her recommendation was confusing. She feels that impairment should not be the driving factor when deciding priorities. She believes it is good that we are considering it.

Larry Melanger, Solicitor's Office, DOI, 14 Mar. 2003

The national parks are within the jurisdiction of the state. This means that if some person breaks a law while on federal land, the state laws will apply, and the perpetrators can be charged. For example, there is a state law prohibiting take of a state-declared endangered species. Any individual person taking (=harming, harassing, killing) such a species could be charged under state law. However, there is no federal liability and no federal affirmative obligation under this state law. We cannot be sued for not improving or stabilizing a state-declared endangered species' populations' physical or biological status on our lands; we can be sued if we harm them outright. Under the federal Endangered Species Act, 1973 and amendments, federal agencies do have an affirmative responsibility to stabilize or improve federally listed species' populations on their lands.

However, we can write agreements with the state for the conservation of state-declared endangered species. If we write such an agreement together, our obligation and liability would be inherent under such an agreement.